

Ser. No. 09/712,887
Amdt. dated July 19, 2004
Reply to Office action of February 19, 2004

Remarks/Arguments

Claims 1 and 17-21 are cancelled.

Claims 2-4, 7, 8, 9, and 12 are amended to claim dependency from Claim

13.

Figs. 1-6 are being submitted in a formalized form. In addition, Figs. 4-6 are shown as containing reference numerals in a manner requested by the Examiner.

No new matter was added in view of these amendments.

35 U.S.C. §103(a) Rejection

The Examiner rejected originally filed Claims 13-16 under 35 U.S.C. §103 (a) as being anticipated by Monteiro et al. (U.S. Patent # 5,778,187, hereafter referred to as 'Monteiro') in view of Broadhurst et al. (U.S. Patent #6,205,480, hereafter referred to as 'Broadhurst'). Applicants disagree with this ground of rejection.

Claim 13 claims an element of a "condition access processor operable to determine authorization of multiple broadcast sources to concurrently provide broadcast multimedia program content to the system". In the Examiner's rejection of Claim 13, the Examiner cites to Broadhurst as disclosing this element that is lacking from the Monteiro reference. Specifically, the Examiner wrote in the Office Action that it would be obvious to modify the system disclosed by Monteiro and modify it as indicated by Broadhurst such that the system further comprises the claimed condition access processor, as "one would be motivated to have this as it provides security to prevent unauthorized use, (Office Action, page 11, lines 7-13).

The Examiner in the rejection then cites to a section of Broadhurst that discloses a problem where a user attempting to access a new application or server may encounter "a login/authentication procedure which is independent of previous log/authentication procedures encountered by the user". The reference then documents the problems of obtaining access to a new application or server by either "requiring a user to input additional login/authentication information specific to the new application, or by hard-coding a generic login or password in the scripts used by the user's web server to access the new application and dynamically generate a new web page using the output from the application, " (Broadhurst, col. 1, lines 14-29).

Ser. No. 09/712,887
Amdt. dated July 19, 2004
Reply to Office action of February 19, 2004

This teaching of Broadhurst, in combination with the Monteiro reference, alone or in combination, do not disclose or suggest the claimed element of Claim 13 of determining "authorization of multiple broadcast sources to concurrently provide broadcast multimedia program content to the system". Specifically, the Broadhurst reference is concerned with the user authentication techniques for a user or multiple users to log into a web server (Broadhurst, Summary of the Invention). These techniques from Broadhurst, neither alone or in combination with the teachings of the Monteiro reference, do not disclose or suggest how to authorize "multiple broadcast sources to concurrently provide broadcast multimedia program content", as claimed in Claim 13.

Moreover without the teachings of the Applicants' invention, the operation of the Examiner's combination of Monteiro with Broadhurst would be unduly complex and inoperable. Specifically, the Applicants' invention discloses a scheduler and a multiplexer that are capable of "inserting of a designated advertisement into a selected multimedia program content at a scheduled insertion time to form a composite program datastream". This claimed scheduler and multiplexer are capable of operating in view of multiple broadcast sources which may or may not be concurrently available because of the operation of the claimed conditional access processor (specification, page 10, line 3 to page 12, line 21).

In contrast, there is nothing in either Monteiro or Broadhurst that discloses or suggests, alone in combination, how a scheduler and/or multiplexer are to operate in view a conditional access system that controls access to "multiple broadcast sources to concurrently provide broadcast multimedia program content to a system". Specifically, how would a scheduler system from either Monteiro or Broadhurst, alone or in combination, be capable of scheduling advertising for broadcast sources that may or may not be available without using the teachings from the Applicants' claimed invention?

For the reasons given above, Applicants assert that Claim 13 is patentable. Applicants request that the Examiner remove the rejection to this claim. Applicants also request that the Examiner remove the rejection to Claims 14-16, and amended Claims 2-13, as the claims depend on Claim 13.

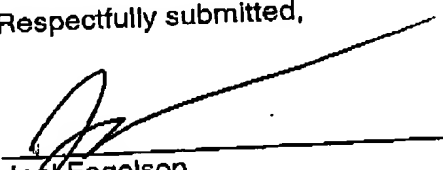
PU000126

Ser. No. 09/712,887
Amdt. dated July 19, 2004
Reply to Office action of February 19, 2004

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Please charge deposit account 07-0832 in accordance with the fee sheet being included with this action for a two-month extension. Any additional fees owed in connection with this action are to be charged to this deposit account, if owed.

Respectfully submitted,


By: Joel Fogelson
Reg. No. 43,613
Phone (609) 734-6809

Patent Operations
Thomson Licensing Inc.
Two Independence Way
Suite 200
Princeton, New Jersey 08542
July 19, 2004